

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

Action No. 07 Civ 7694 (GEL)

- against -

PETER CASTELLANETA and QUEENS LONG
ISLAND MEDICAL GROUP, P.C.,

Defendants.
-----X

**DECLARATION OF JOSEPH T. PARERES, ESQ. IN OPPOSITION
TO DEFENDANT PETER CASTELLANETA'S MOTION TO DISMISS**

Joseph T. Pareres, Esq., an attorney duly admitted to practice before this Court, submits this declaration pursuant to 28 U.S.C §1746 and declares that the following is true and correct under the penalties of perjury:

1) I am a partner in the law firm of Silverson, Pareres & Lombardi, LLP attorneys for QUEENS LONG ISLAND MEDICAL GROUP, P.C. This declaration is submitted in support of the Memorandum of Law in Opposition to the motion of defendant Peter Castellaneta to dismiss the government's interpleader complaint and to vacate the stay and direct the return of Mr. Castellaneta's funds.

2) QUEENS LONG ISLAND MEDICAL GROUP, P.C. has commenced a civil action in Supreme Court, New York County (Index No. 111252/07) against Peter Castellaneta, Curtis Gatz, Denise Lamonica, Stafford Personnel Group, and Traditional Personnel Services. In accordance with the Order of Justice Stallman, an Amended Complaint sounding in fraud, misrepresentation, and conversion has been served upon the defendants.

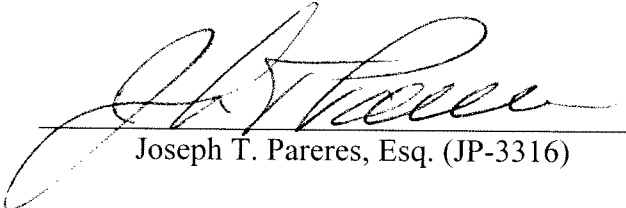
3) On January 24, 2008, the undersigned appeared before Hon. Michael D. Stallman in New York State Supreme Court for oral argument on defendant Castellaneta's motion to dismiss the complaint filed by QLIMG and for a Preliminary Conference. A copy of the Preliminary Conference Order is attached as EXHIBIT "A".

4) On the issue of the release of the funds, Justice Stallman specifically advised counsel that while the parties have the right to make motions in the state court regarding the holding or release of the funds in the state court proceeding, there is evidence that may justify keeping the funds in the possession of the clerk.

5) For all of the reasons set forth in the Memorandum of Law and in all of the prior motion papers on this issue, the undersigned respectfully requests that This Court deny the motion of defendant Castellaneta.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 13, 2008


Joseph T. Pareres, Esq. (JP-3316)

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NEW YORK
INDIVIDUAL ASSIGNMENT PART [OR JUSTICE]

Queens Long Island Medical
Group, P.C. Plaintiff(s),
- against -

Index No. 11/252/07
DCM Track COMPLEX

CASTELLANETA, et al.

PRELIMINARY CONFERENCE
ORDER

Defendant(s).

(202.8, 202.12 and 202.19
of the Uniform Rules)

APPEARANCES

Plaintiff(s): Joseph T. PARENES Silverman Pares + Lombardi

Defendant(s): ERIC M. CASTELLANETA to Deane L. Muehlen
Peter B. Gull for Castellaneta et al.
Roger Bernstein, for Gull et al.

It is hereby ORDERED that disclosure shall proceed as follows:

- (1) Insurance Coverage: If not already provided, shall be furnished by N/A on or before _____.
- (2) Bill of Particulars:
 - (a) Demand for a bill of particulars shall be served by w/in 30 days after receipt of amended complaint on or before _____.
 - (b) Bill of particulars shall be served by w/in 30 days on or before _____.
 - (c) A supplemental bill of particulars shall be served by TBD as to Items _____ on or before _____.
- (3) ~~Medical Reports and Authorizations~~:
Shall be served as follows: All corporate records from May 2003 - February '06.
- (4) Physical Examination:
 - (a) Examination of N/A shall be held _____.
 - (b) A copy of the physician's report shall be furnished to plaintiff within _____ days of the examination.
- (5) Depositions: Depositions of ☐ Plaintiff(s) ☐ Defendant(s) ☐ All Parties shall be held if to be deposed on or before 3/2/08. Defendants shall be deposed weekly commencing one week after the plaintiff.
- (6) Other Disclosure:
 - (a) All parties, on or before w/in 30 days, shall exchange names and addresses of all eye witnesses and notice witnesses, statements of opposing parties, and photographs, or, if none, provide an affirmation to that effect.
 - (b) Authorization for plaintiff(s)' employment records for the period _____ shall be furnished on or before N/A.
 - (c) Demand for discovery and inspection shall be served by w/in 30 days on or before _____ The items sought shall be produced to the extent not objected to, and objections, if any, shall be stated on or before w/in 30 days.
 - (d) Other [interrogatories, etc.] after receipt

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(7) End Date for All Disclosure:

9/1/08

(8) Impleader: Shall be completed on or before

file 9/1/08

(9) Compliance Conference: Shall be held on

6/12/08 - 9:30 AM

(10) Motions: Any dispositive motion(s) shall be made on or before

As per CLR

(11) Note of Issue:

9/1/08

shall file a note of issue/certificate of readiness on or before 9/1/08. A copy of this order, an affirmation stating that the terms of the order have been complied with, and an affidavit of service of the affirmation and note of issue shall be served and filed with the note of issue on or before said date.

FAILURE TO COMPLY WITH ANY OF THESE DIRECTIVES MAY RESULT IN THE IMPOSITION OF COSTS OR SANCTIONS OR OTHER ACTION AUTHORIZED BY LAW.

SO ORDERED:

Dated:

1/24/08



ADDITIONAL DIRECTIVES

In addition to the directives set forth above, it is further ORDERED as follows:

Dated:

SO ORDERED: